

**Board of Game and Inland Fisheries  
4000 West Broad Street  
Richmond, Virginia 23230**

**June 3, 2008  
9:00am**

**Present:** James W. Hazel, Chairman, Richard E. Railey, Vice-Chairman, Mary Louisa Pollard, Dr. William T. Greer, Jr., Ward Burton, Sherry S. Crumley, C. T. Hill, Charles S. Yates, John W. Montgomery, Jr.; Thomas A. Stroup; **Absent:** Randy J. Kozuch; **Legal Counsel:** Roger Chaffe; **Director:** Robert “Bob” Duncan; **Senior Staff:** Charlie Sledd, David Whitehurst, Gary Martel, Bob Ellis, Rick Busch, Colonel Dabney “Dee” Watts, Ray Davis, Lee Walker and Larry Harizanoff.

The Chairman welcomed everyone and called the meeting to order at 9:00 a.m. The Pledge of Allegiance was lead by Mr. Tom Stroup and the Mission Statement was read into the minutes by Mr. C. T. Hill. The Chairman noted for the record that a quorum was present.

**Recognition of Employees and Others:** The Chairman called upon Mr. Bob Duncan for the Recognition of Employees. Mr. Duncan chose this time to pay a special tribute to Mr. Charlie Thalhimier who passed away on April 28, 2008. Mr. Thalhimier was an avid fisherman and tennis player. Mr. Duncan noted that he was the owner and president of Green Top Sporting Goods and served as a Lieutenant in the U. S. Navy. Mr. Duncan stated he was active in his community and was a life-long supporter of the Agency and served on the Hunters for the Hungry Advisory Council for the Agency. Mr. Duncan said that “Charlie” will truly be missed. At the conclusion of his remarks Mr. Duncan asked for a moment of silence to pay tribute and remember Mr. Thalhimier and his family.

Mr. Hazel asked for this special tribute to be included as an official part of the minutes of the meeting being conducted today.

Mr. Duncan called upon Colonel Dabney “Dee” Watts to present the Conservation Police Officer of the Year Award. The award was presented to Office Greg Funkhouser. Colonel Watts gave the following presentation:

***CONSERVATION POLICE OFFICER OF THE YEAR***

*Mr. Chairman, ladies and gentlemen of the Board, Mr. Duncan,*

*Each year an officer from each of the Agency’s 5 regions is nominated by his/her supervision for the Law Enforcement Division’s Conservation Police Officer of the Year award. A panel made up of former winners of the state award then selects the officer they feel best meets all of the criteria in each category to be selected as the Conservation Police Officer of the Year. These categories include Teamwork and Public Outreach, Excellence and Innovation, Attitude and Leadership and Achievements and accomplishments. Each year it is a very difficult decision for*

*the panel and this year was no different as we had five very deserving candidates. At this time I would like to introduce each nominee... From:*

### **REGION I**

*Senior CPO Frank Spuchesi. Officer Spuchesi is a 10 year veteran of the LE Division. He has spent his entire career on the Northern Neck and is currently assigned to King George County.*

### **REGION III**

*CPO Frank Gough. Officer Gough is a 20 year veteran of the Division. He began his career in Henrico County and is currently assigned to Giles County.*

### **REGION IV**

*Senior CPO Neil Kester. Officer Kester has been with the Division for 8 years. He has spent his entire career in the Shenandoah Valley. Originally assigned to Page County he is now in Augusta County.*

### **REGION V**

*Senior CPO Joe Dedrick. Officer Dedrick is a 37 year veteran of the Department. He has worked in both Regions I and Region V. He is currently assigned to Caroline County.*

### **REGION II**

*Senior CPO Greg Funkhouser. Greg obtained his Bachelor of Science Degree from Virginia Tech in Environmental Science. He was employed by the Department on July 25, 1998 and assigned to Roanoke County. Officer Funkhouser is an extremely dedicated officer, educator and public spokesperson for the Department. He has a highly positive attitude and always takes on tasks in a spirit of cooperation. He is an exceptionally motivated team player and always works cooperatively with his fellow CPOs, biologists and other Department personnel, as well as federal, state and local law enforcement agencies. Greg takes much pride in his numerous community relations and outreach programs for sportsmen's groups, civic organizations and citizens. His programs promote the Department's mission and enhance the public's knowledge of safety, laws and wildlife management.*

*In his law enforcement duties, Officer Funkhouser has effectively applied innovative investigatory methods. Through his use of a wide range of law enforcement techniques, he has successfully met the difficult challenge of a widely diverse work area. Because of his boating incident investigative expertise he often sought out to give presentations. For example, he was recently the guest speaker at the "International Association for Marine Investigators" conference in Virginia which included over 500 participants.*

*Officer Funkhouser has an exemplary record in serving the Commonwealth of Virginia as a Conservation Police Officer. His genuine concern for protecting our natural resources, coupled with his professionalism, excellent working relationships, and his confidence and ability to represent the Department in public forums, makes him a highly valued asset in promoting the Department's mission. Both the Department and the citizens of Virginia have benefited greatly from the efforts of this conscientious officer.*

*It gives distinct pleasure to present to Senior Conservation Police Officer Gregory Funkhouser the award as Virginia's Conservation Police Officer of the Year.*

On behalf of the Board, Mr. Hazel congratulated Officer Funkhouser on receiving his award and thanked him for his service and dedication to the agency.

Mr. Duncan called upon Mr. Bob Ellis, Division Director for the Wildlife Division, to introduce this year's Waterfowl Conservation Stamp Artist, Mr. Spike Knuth. Mr. Ellis gave the following presentation:

*Thank you Mr. Chairman, Members of the Board, Director Duncan*

*It is my pleasure this morning to present the artwork that was selected for the 2008-2009 Virginia Migratory Waterfowl Conservation Stamp and the artist who created the painting.*

*The artwork was selected from seven other Virginia artists' entries by a panel of judges that had representation from the major waterfowl conservation organizations and staff from our department.*

*I would like to take just a minute to recognize several of the judges who are in the audience today. Their job was not an easy one!*

*Richard Hudson – Chairman, Virginia Ducks Unlimited  
Todd Cocker – President, Virginia Waterfowl Association  
Frank Wade – President, Virginia Waterfowl USA  
Gary Costanz- DGIF  
Emily Pels-DGIF  
Bob Duncan-DGIF*

*The watercolor shown on the screen depicts a pair of Gadwall in flight over a marsh that probably familiar to many of us that have hunted or visited our Hog Island WMA.*

*Not only is this scene familiar to us but the artist himself is no stranger to this department. At this time I would like to ask Spike Knuth to join me at the Podium.*

### ***Carl "Spike" Knuth***

*Grew up around the lakes and marshes of southeastern Wisconsin. His love of birds was kindled at an early age, and at age 7, he entered a hobby show in his second grade class. His bird art was highly praised by those that saw it and gave him the encouragement to continue.*

*In 1950, his family moved to Fond Du Lac, Wisconsin along Lake Winnebago. The big lake and surrounding marshes became added classrooms for Spike as he kept nature journals throughout the seasons, made sketches and took photos for future reference.*

*He began hunting at age 16. He was enamored with ducks after seeing Ducks Unlimited (DU) "Whispering Wings" at the Milwaukee Sentinel Sports Show in the early 50s.*

*He began duck hunting in 1965, and donated his first piece of original art to a Ducks Unlimited dinner event in 1967.*

*Since then he has donated 450 original painting and 100 prints to Ducks Unlimited and many more to other conservation organizations.*

*Spike began a career with our Department in 1974, retiring in 2008 after 29 years and 4 months of service. He has illustrated about 80 covers for a variety of publications; done hundreds of inside color and black and white illustrations and written hundreds of articles. One just needs to pick up the last two editions of Virginia Wildlife or walk down the halls of our buildings to see examples of his work.*

*He has five state duck stamps to his credit: 1978 Indiana, 1992 Virginia, 1999 Virginia, the 2004 Ducks Unlimited Stamp/Print and now the 2008 Virginia Stamp.*

*Spike continues to work for Virginia Wildlife Magazine; for Chesapeake Style Magazine; and for Cooperative Living Magazine ever other month.*

*Spike resides in Mechanicsville, Virginia with Susie, his wife of 45 years. They have two married sons in North Carolina and six grandchildren.*

*It is my pleasure to recognize Mr. Spike Knuth.*

*At this time, I would like Richard Hudson of Ducks Unlimited to join us. Mr. Hudson presented a print to the Department and upon receipt of the stamp Richard will return the completed project to the Department.*

On behalf of the Board, Mr. Hazel thanked Mr. Knuth for his beautiful paintings and Mr. Hudson for his gift.

Mr. Bob Ellis also recognized Mr. David Norris, Wetlands Project Leader. Mr. Norris was recently awarded the Ducks Unlimited 2008 Virginia Conservationist of the Year Award. Mr. Ellis gave the following presentation:

*The Virginia Migratory Waterfowl Stamp isn't only a requirement for hunting waterfowl in the Commonwealth but it's a source of revenue for Waterfowl Habitat Conservation. Over the past three years, since the stamp has been mandatory nearly \$200000 annually have been placed in the Duck Stamp Fund available for waterfowl habitat conservation work by non-governmental organizations like Ducks Unlimited, and by our own waterfowl and habitat staff.*

*One of our staff who is at the forefront of our wetlands initiatives and was recently recognized by the State Chapter of Ducks Unlimited is David Norris, Wetland Project Leader.*

*David began is career as a biologist with the Nebraska Game and Parks Commission in 1991. Growing up in IOWA and going to school in Nebraska, a Cornhusker at heart, obviously did something for his growth rate as well as his knowledge and enthusiasm for conserving wetlands and upland habitat. David move to Virginia and began his career with us as the Department's Wetland Project Leader in 1996.*

*David works with public and private landowners to restore wetland habitats on their properties; provides technical assistance to landowners on how to best manage existing wetland as wildlife habitat; creates partnerships with agencies and organizations to expand wetland restoration in the Commonwealth, and assists in the writing of grants to expand wetland habitat.*

*David developed the process for awarding grants from the Virginia Migratory Waterfowl Conservation Stamp Program.*

*David has been involved in numerous projects that protect restore and enhance wetland habitat including the Beasley Tract in Virginia Beach, the Blue Wing Tract in Charles City and the Cavalier WMA in Chesapeake are among his biggest accomplishments. David's favorite accomplishments however, are the projects completed on private lands where he gets to act with the landowners.*

*As I mention earlier, his working with private landowners through partnerships with Ducks Unlimited was recently recognized when David received the Duck Unlimited 2008 Virginia Conservationist of the Year Award at their annual state convention.*

*I thought it only fitting to include this recognition of David today as we celebrate another duck stamp and look forward to his continued work to restore and conserve Virginia Waterfowl Habitat.*

*David, Congratulations on your award.*

On behalf of the Board, Mr. Hazel congratulated Mr. Norris on his accomplishments and award.

**Public Comments-Non-Agenda Items:** The Chairman stated those who had registered to speak on agenda items would be recognized during those portions of the meeting. The Chairman invoked the following rule: If you are representing a group or organization, you have 5 minutes and if you are speaking as an individual, you have 3 minutes.

**Mr. Floyd Smith, Goochland, Virginia** spoke regarding Hunting with Hounds and rabbits and their habitat. Mr. Hazel thanked Mr. Smith for attending and his remarks.

### **Approval of Minutes**

The Chairman said the minutes of these meetings have been distributed for review and posted to the web site. He called for discussion and approval of the April 1, 2008 minutes as presented. **Mr. Railey made the motion for the minutes to be approved as submitted. Motion Seconded by Mr. Montgomery: Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.**

## **2008 Election of DGIF Board Chairman and Vice-Chairman**

Mr. Hazel called upon Mrs. Sherry Crumley, Chairman of the Nominating Committee to present the slate of names for Chairman and Vice – Chairman. Ms. Crumley stated the Nominating Committee presents the following names: C. T. Hill to serve as Chairman and Mr. William T. Greer to serve as Vice Chairman. Hearing no discussion on the nomination, Mr. Hazel called for the motion. **Mrs. Crumley made the following motion, Mr. Chairman I move that Mr. C. T. Hill serve as Chairman and Mr. William T. Greer to serve as Vice Chairman. Motion was seconded by Mr. Railey. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates Stroup and Hazel.**

Mr. Hazel congratulated Mr. Hill and Dr. Greer and said he looked forward to working with them in the future.

### **Proposed Muzzleloader Regulation – 4 VAC 15-90-80 (Part G) – Final Adoption:**

Mr. Hazel called upon Mr. Bob Duncan and Mr. Bob Ellis, Division Director of the Wildlife Division to present the Proposed Muzzleloader Regulation-4 VAC 15-90-80 (Part G) for final adoption by the Board.

Mr. Ellis presented the following regulation:

### **Proposed Muzzleloader Regulation – 4 VAC 15-90-80 (Part G) – Final Adoption**

*Thank you Mr. Chairman, Members of the Board, Director Duncan:*

#### **Muzzleloader Firearm Definition:**

This request was brought forward by a representative from the Connecticut Valley Arms (CVA) muzzleloader manufacturing company requesting that the department consider muzzleloading guns that can be fired by an electronic ignition system as a legal muzzleloader during the muzzleloading season. It was passed in April as a proposal to remove any reference to the type of ignitions allowed during the muzzleloader seasons in both the deer and bear regulations to receive public comment.

There were 67 individuals who commented on the proposal and are summarized in your packet. There was no clear preference of opinion on the change with about half in favor and the other half against. Many responses were about the process itself where they felt it was inappropriate for a commercial business to submit a regulation outside the regulation cycle. Another common opinion expressed was that the muzzleloader season is no longer primitive so just start deer season in early November.

The Wildlife Staff made the following recommendation: Remove the reference to flintlock and percussion in the definition of a muzzleloader where applicable.

## **Deer**

### **4 VAC 15-90-80 Game: Deer. Muzzleloading gun hunting**

**Remove the reference to flintlock and percussion in the definition of a muzzleloader in section G of the regulation.**

### **4 VAC 15-50-71 Game: Bear. Muzzleloading gun hunting**

**Remove the reference to flintlock and percussion in the definition of a muzzleloader in section C of the regulation.**

#### **Public Comment:**

Mr. Steve Trant, Disputanta, Virginia, represented CVA spoke in favor of the proposed regulation as presented for final adoption.

**Mr. Hazel called for discussion on the final adoption on the proposed regulation change. Mr. Hazel called for the motion. Mrs. Crumley made the following motion: Mr. Chairman, I hereby move that the Board adopt the amendments to 4 VAC 15-90-80 and 4 VAC 15-50-71 as recommended by staff. The motion was seconded by: Mr. Burton.**

**Mr. Montgomery wanted to know from staff if there was any biological reason why the Board should not approve the regulation and the staff stated there was not.**

**Mr. Railey stated that in 1973, we started with muzzleloaders in Virginia and they were primitive weapons which justified an early season. Mr. Railey stated he would vote in favor of the recommendation because he felt hunters should stand together. Mr. Railey's question was "What is the justification now for muzzleloaders getting an early season before regular season because what they have now is a single-shot high powered rifle. He stated that if it was biologically sound for muzzleloaders to have early season, why wasn't it okay for the hound hunters to start also."**

**The staff stated it was a great question. Mr. Ellis stated since muzzleloader season began there has been a wide variety of options for muzzleloaders and the season has stayed in place prior to the regular firearms season. Mr. Ellis stated that as we move forward in the new regulation cycle this coming year, you will probably hear interest expressed in a primitive weapon season prior to the regular muzzleloader season.**

**Mr. Duncan said when the early muzzle season began it started on the wildlife management areas. The first year of the season 12,000 licenses were sold and now 117,000 licenses are sold for muzzleloader season. It is one of the most popular recreational pursuits.**

**Mr. Railey said that the hound hunters in Southside did not like it but Mr. Railey said he would support it.**

**Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

**Hunting and Trapping Periodic Regulation Review and Amendment Process:**

Mr. Hazel called upon Mr. Ellis to present the 2008-2009 Hunting and Trapping Periodic Regulation Review and Amendment Process. The concept was presented during the April 1, 2008 Board Meeting. The staff is recommending this process for final adoption by the Board.

The 2008-2009 Hunting and Trapping Periodic Regulation Review and Amendment Process provides more public input in accordance with House Joint Resolution 231 that was passed during the 2008 Session of the General Assembly of Virginia. Mr. Ellis stated there would be two public comment or discussion periods: November 4, 2008-January 5, 2009: Regulatory Issues and March 10-May 11, 2009 on the proposed regulations Public Comment Period. Two public meetings to be held in September 2008 (includes 20 meetings in the series) and Hunting and Trapping Proposed Regulation Public Input Meetings (includes 1-2 per region). The staff recommends the adoption of the process during the June 2, 2009 meeting with an effective date of August 1, 2009.

Mr. Ellis outlined the process given below:

**2008 -2009 Hunting and Trapping Periodic Regulation Review  
and Amendment Process  
Staff Recommendation**

**Mr. Ellis said the Key Elements of the Process are:**

**Three Board meetings:**

**October 23, 2008: Scoping Issues (Staff and Public)**  
**February 26, 2009: (Staff Recommendations and Board Proposals)**  
**June 2, 2009: (Staff Final Recommendations and Board Final Action)**

**Two public comment or discussion periods:**

**November 4, 2008-January 5, 2009: Regulatory Issues Public Discussion Period**  
**March 10-May 11, 2009: Proposed Regulations Public Comment Period**

**Two public meeting series:**

**Early to mid September 2008: Hunting and Trapping Regulatory Issues Meeting  
(20 meetings)**

**Late March to early April 2009: Hunting and Trapping Proposed Regulation  
Public Input Meetings (1-2 per region)**

**Under this process, the staff recommends a later effective date: August 1, 2009 effective date for hunting and trapping regulations adopted June 2, 2009.**



During the issues scoping period from June to September 23, the staff collects and analyzes biological and sociological data relevant to regulatory issues, to include constituent satisfaction survey results, meeting with constituents in groups and individually, and other results of continuous, ongoing feedback from the public. Beginning early to mid-September, the Wildlife Division holds a series of Hunting and Trapping Regulatory Issues Meetings statewide to discuss hunting and trapping issues and solicit the view of the public. These meetings will be held in the following regions and locations:

Region 1: Warsaw, Gloucester, Charles City, Chesapeake, Wakefield  
Region 2: Lynchburg area, Burkeville, Danville or Chatham  
Region 3: Christiansburg, Tazewell, Wise  
Region 4: Middletown, Harrisonburg, Lexington, Covington  
Region 5: Richmond, Madison/Gordonsville area, Fairfax/Prince William, Fredericksburg.

On October 9, 2008, Staff mails board packet with issues and on October 23, 2008 will be the Hunting and Trapping “Regulatory Issues” Board Meeting.

The first Board Meeting in the 2008-2009 Periodic Regulation Review and Amendment Process opens public discussion of the Hunting and Trapping Regulatory Issues developed by staff.

- Staff presents Hunting and Trapping Regulatory Issues.
- The Board solicits and received public comments on the Regulatory Issues
- The public may request, and the Board may direct, that Hunting and Trapping Regulatory Issues be added to, amended, or removed for the Public Discussion Period.
- However, the Board is not asked to take any formal action, such as to approve or endorse, the Hunting and Trapping Regulatory Issues.

The Discussion period will be from November 4, 2008-January 5, 2009. Regulatory issues are disseminated by the various means available, including posting on the DGIF website in a format soliciting public comments and discussion.

The Regulatory Issues may be revised at anytime in the Public Discussion Period, as deemed appropriate, whether as a result of comments received or for other reasons.

The Development and Presentation of Staff Recommendations begins January 6, 2009-February 11, 2009. Staff analyzes and considers the public discussion received on the Hunting and Trapping Regulatory Issues, and develops Staff Recommendations for regulation amendments. The recommendations will be mailed to the Board on February 12, 2009.

February 26, 2009 will be the Hunting and Trapping “Regulation Proposal” Board Meeting where staff presents recommendations. The Board solicits and receives public comments on staff recommendations. The Board also deliberates and votes to propose regulation amendments.

**The Public Comment Period on Proposed Regulations begins March 10, 2009-May 11, 2009. The same process for this comment period will be the same used for the early comment period.**

**Late March to early April 2009, the Wildlife Division holds a series of Hunting and Trapping Proposed Regulation Period Input Meetings statewide to present the proposed regulation amendments and solicit public comments.**

**The DGIF Website only comment system will solicit, accept, and transparently display citizens' comments on the Board-proposed regulation amendments, but will not be structured to solicit and display citizens' recommendations for additional regulatory actions other than those proposed by the Board.**

**The Final staff recommendations and Board action begins May 12-18, 2009. The staff prepares Final Recommendation for submission to the Board and mails the final recommendation package to the Board on May 19, 2009.**

**June 2, 2009 will be the Hunting and Trapping "Final Action" Board Meeting. The staff presents its Final Recommendations to the Board for regulation amendments. The Board solicits and hears public comments on the Proposed Regulations and on Staff's Final Recommendations. The Board deliberates and adopts Final Regulation Amendments.**

**The Dissemination and Effective Date Amended Regulation Regulations for hunting and trapping are submitted to the Registrar of Regulations and disseminated.**

**The 2009-2010 "Hunting and Trapping in Virginia, Regulations and Information" booklet is developed, printed, published and distributed no later than August 1, 2009. The period covered by the digest will be from August 2009-July 2010. The Effective Date of the Regulation Amendments is August 1, 2009.**

After the presentation, Mr. Hazel called for discussion on the process as presented to the Board. Hearing none, Mr. Hazel called for the motion. **Mr. Hill made the following motion, Mr. Chairman, I hereby move that the Board adopt the Hunting and Trapping Periodic Regulation Review and Amendment Process as recommended by staff. Seconded by Ms. Pollard. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

Mr. Hazel thanked the Director and staff for their hard work.

#### **Committee Reports:**

Mr. Hazel stated the Finance, Audit and Compliance Committee Report would be made prior to the presentation of the 2009 DGIF Fiscal Year Budget (Operations and Capital Improvements).

Mr. Hazel called upon Mr. Richard E. Railey, Chairman, **Education Planning and Outreach Committee**. Mr. Railey reported the Committee met on May 22, 2008. The purpose of the meeting was to establish goals for the Information and Education Section. During the May 22, 2008 meeting, the Committee received a report from staff regarding

an additional amendment needed to the Board's Governance Manual to correct an inconsistency as noted during the current APA Audit. The possible finding shows the Governance Manual inconsistent with the Code of Virginia regarding the allowable term of office for the Board Chair and Vice-Chair. To correct the inconsistency, the Committee is recommending the following change (must be presented to the Board at two consecutive meetings) and the full Board will take a final vote for adoption of the change at the July meeting.

**Proposed technical/housekeeping amendment on Page 17 of the Board Governance Manual to correct an inconsistency between the language that was approved when the manual was approved on December 14, 2005 and a legislative change in § 29.1-102 of the Code of Virginia that occurred during the 2006 General Assembly Session.**

**While the Governance Manual is scheduled for its required review later in 2008 (per Section X - pages 44-45), this change is being brought forward at this time because the inconsistency has been noted by the APA Auditors.**

**B. Officers**

Officers of the Board will consist of a Chairperson (~~§29.1-102.C~~) and a Vice-Chairperson (~~§29.1-103.D~~) (**§29.1-102.C**). The Chairperson will appoint a Nominations Committee that will develop a slate of candidates for both positions and present it to the Board at the Board's second meeting of the calendar year. The Chairperson will entertain a motion to accept the Committee report and open the floor for additional nominations. After the membership has had ample opportunity to make nominations, the Chairperson will accept a motion to close the nominations. The Board will elect officers from the candidates for both positions by majority vote during its June meeting. New officers will assume the responsibilities of their positions on July 1 and will serve through June of the next year. The term of office is one year for both positions, ~~and no one can serve in either position for more than two consecutive, one-year terms.~~ **The Chairperson and Vice-Chairperson shall not be eligible to be re-elected to their respective positions and no person shall serve more than one year as Chairperson and one year as Vice-Chairperson during a four-year term.** The Vice-Chairperson does not assume the Chairperson's position; however, the Vice-Chairperson can be nominated for and elected to become the Chairperson.

Approved by the Education, Planning and Outreach Committee

Motion – Ms. Crumley

Second – Ms. Pollard

Date – May 22, 2008

First Presented to the Board

Motion – Mr. Railey

Second – Ms. Pollard

Date – June 3, 2008

Approved by the Board

Motion -

Second –

Date – July 15, 2008

Mr. Hazel called upon Mr. John Montgomery, Chairman of the **Wildlife and Boat Committee**. Mr. Montgomery reported on the activities of the May 19, 2008 Meeting. Mr. Montgomery stated the Committee received status reports on mallard release areas and the Governor's Climate Change Commission, Hunting with Hounds Study, the Quail Action Plan and the Fisheries Division Capital Projects. Mr. Montgomery called upon Mr. Rick Busch to give an update on the Hunting with Hounds Study followed by Mr. Bob Ellis who will give an update on the Quail Action Plan these reports will be followed up by Mr. Gary Martel who will give an Update on the Fisheries Division Capital Projects.

Mr. Rick Busch gave the following report on the Hunting with Hounds Study: Mr. Busch stated during the April 15<sup>th</sup> Advisory Committee meeting, the Technical Advisory committee presented different draft chapters of the technical report. The Advisory Committee is still trying to identify the real issues and begin to move forward. The Hound Study Participatory Process is a deliberative process and at some point a completed report will be finished. Two new members have been added to the Advisory Committee. The next meeting of the Advisory Committee will be held in Charlottesville on May 20, 2008. The final report presented to the Board will identify key issues with proposed solutions and recommendations for the issues identified.

Mr. Hazel thanked Mr. Busch for the update.

Mr. Bob Ellis, Division Director, Wildlife Division gave the following report on the Quail Action Plan. Since the April Board Meeting, Mr. Gary Norman and Mr. Marc Puckett of the Wildlife Division have been actively working to address the resolution developed by the Quail Focus Group and adopted by the Board. A survey was mailed to 5000 landowners to assess their efforts in quail habitat management. A draft Quail Action Plan is being developed by staff and ready for the focus group to review in June and the final product should be ready for the Board to review in July. A meeting was held with major land management organizations and they also received a copy of the draft plan. The meeting was attended by federal, state and non-governmental organizations. During the meeting, Mr. Duncan announced the formation of the Virginia Quail Council comprised of these federal, state and non-governmental organizations. The representatives attending the meeting were able to sign onto a MOA indicating their support for the Quail Plan and habitat management. Signatures on the MOA were Mr. Bob Duncan, Department of Game and Inland Fisheries; Mr. Keith Toler, Virginia State Council, Quail Unlimited; Mr. J. Hudson Reese; Mr. Lanny Woolfolk, Chairman, Central Virginia Quail Unlimited; Mr. John Carroll, Department of Forestry and Mr. Stephen Capel, Appalachian Mountains Woodstock Initiative. Additional signatures for the MOA are expected in the near future. Mr. Hazel said he was please with the results of this meeting and a great discussion was held by all. Mr. Hazel thanked everyone for their efforts.

Mr. Hazel thanked Mr. Ellis for the update.

Mr. Gary Martel, Division Director, Fisheries Division provided the following in depth report on the Coursey Springs Hatchery Renovations and the Laurel Bed Lake dam repairs. He presented the following information:

The Coursey Springs renovation is approximately \$11.1 million. Mr. Martel stated the renovations for the facility were based on water quality standards, predation on trout and cost efficiency. The hatchery currently produces trout at a lower cost than any other state surveyed and the new renovations will increase production capacity by an estimated 50%. DGIF will work with the contractor to identify cost saving measures following the final award of the bid for project work. Work is tentatively scheduled to begin in June 2008 to be completed in the winter of 2009.

Mr. Martel reported that Laurel Bed Lake was in the process of being drained. Sufficient funding has been provided through Agency cost savings and in surplus fund balances to initiate repairs (recommend 2 million dollar cap).

Mr. Martel stated that the Coursey Springs Hatchery Renovation and the Laurel Bed Lake Dam Repair cost are included in the FY 2009 budget being considered today, and that budget approval would include project authorization.

At the conclusion of Mr. Martel's presentation, a discussion was held between the Board and Staff. Mr. Hazel thanked Mr. Martel for his presentation.

**Mr. Hazel stated the presentation of the FY2009 Budget indicated as Number 8 on the agenda would be incorporated into the Committee report from the Finance, Audit and Compliance Committee report.**

Mr. Hazel called upon Mr. C. T. Hill, Chairman of the **Finance, Audit and Compliance Committee**. Mr. Hill reported on the activities of the May 6, 2008 meeting. During that meeting the Committee received and in depth presentation from the Director and staff on the FY2009 DGIF Fiscal Year Budget (Operations and Capital Programs). Mr. Hill stated the Finance, Audit and Compliance Committee met on June 3, 2008 prior to the June 3, 2008 meeting of the Board and received an update on the original budget presentation given at the May 6, 2008 meeting. Mr. Hill called upon Mr. Bob Duncan to present the FY2009 DGIF Fiscal Year Budget (Operations and Capital Programs). Mr. Duncan thanked the budget management team comprised of the following members for their hard work and successful completion in drafting the FY 2009 proposed operating and capital improvement budget that will be presented to the Committee. The budget team members are: Rick Busch, Wildlife; Becky Gwynn, budget chair and representative for Wildlife Diversity; John Moore, Administrative Services; Ron Southwick, Fisheries; Ed Steinkoenig, Boating Safety and Tom Wilcox, Law Enforcement.

**Mr. Bob Duncan presented the proposed draft FY2009 Operating Budget and Capital Improvement Budget to the Finance Committee. The proposed operating budget is \$51.3 million and the Capital Improvement Budget totaling \$17.6 million. Included in this proposed budget package are the expenditures for the Coursey**

**Springs Hatchery Renovations, the Laurel Bed Lake dam repairs and the development of new boating access facilities. As discussed at the May 6, 2008 meeting and approved by the Committee, the Director presented to the full Board the staff's recommendation to transfer funds totaling \$4Million from the Game Protection Fund into the Capital Improvement Fund before June 30, 2008. Mr. Hill stated the Committee is recommending to the full Board the adoption of the budget as presented and to transfer funds totaling \$4Million from the Game Protection Fund into the Capital Improvement Fund before June 30, 2008. After discussion by the Board and Staff, Mr. Hazel called for a motion to approve the budget as presented. Dr. Greer made the following motion: Mr. Chairman, I hereby move that the Committee recommend adoption of the FY09 operating and capital budget as proposed and revised by staff and with any amendments as agreed to by the Board. Motion seconded by Mr. Stroup. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill Yates, Stroup and Hazel.**

**Dr. Greer made the following separate motion: Mr. Chairman, I hereby move that the Committee recommend the transfer of funds totaling \$4 Million from the Game Protection Fund to the Capital Improvement Funds before June 30, 2008. Motion Seconded by Mr. Stroup. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

Mr. Hill stated during the June 3<sup>rd</sup> meeting, the Committee received reports on the Small Purchase Charge Card, the Media Services Quarterly Report and the Apprentice Hunting License Marketing plan.

Mr. Hazel thanked the Finance, Audit and Compliance Committee, the Director and staff for their work on the budget presentation and noted for the record that a complete copy of the Budget would be placed on the Web site.

Mr. Hazel announced that the Board would go into a closed session and the Director's remarks and the Chairman's report would be presented at the conclusion of the closed session.

**At 12:46 pm. Dr. Greer made the following motion:**

**MOTION FOR CLOSED MEETING  
June 3, 2008**

**Mr. Chairman, I move that the Board convene a closed meeting as follows:**

- 1. Pursuant to §2.2-3711(A) (7) of the Code of Virginia for the purpose of consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice, namely a title dispute with an adjoining landowner regarding a portion of the Cavalier WMA in Chesapeake; and**
- 2. Pursuant to Section 2.2-3711(A)(3) of the Code of Virginia for the purpose of discussion or consideration of a possible acquisition of real estate located in Caroline, Rockbridge and Botetourt Counties.**

**3. And pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries specifically regarding: the performance of the Director.**

**Motion seconded by Ms. Crumley Ayes: Hazel, Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup. Mr. Hazel announced they were officially in closed session.**

**Mr. Montgomery and Dr. Greer departed at 1:30 pm.**

**At 2:16 pm Mr. Hazel called the meeting back to order and called for a motion to call the meeting back to order. Mrs. Crumley made the motion to call the meeting back to order. Motion seconded by Mrs. Pollard. Ayes: Pollard, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel. At 2:17 pm, Mr. Railey made the following certification:**

#### **Certification of Closed Meeting**

**I certify that whereas the Board of Game and Inland Fisheries has convened a closed meeting on meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and,**

**Whereas Section 2.2-3712.D of the Code requires a certification by this Board that such a meeting was conducted in conformity with Virginia law; now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that:**

**(1) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Ayes: Pollard, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

**Mr. Hazel called upon Mr. Tom Stroup for a motion on the items discussed in closed session. Mr. Stroup made the following motion: I move that the Board authorize the Director to proceed to explore the acquisition of approximately  $\pm$  4,800 acres of land in Rockbridge and Botetourt Counties, Virginia. Motion seconded by: Mrs. Crumley. Ayes: Pollard, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

**The Chairman called upon Mr. Bob Duncan for the Director's report. Mr. Duncan called upon Mr. David Whitehurst to present the Landowner Incentive Program.**

**Mr. Whitehurst gave the following presentation and noted the new brochure had been included in the Board packages today.**

**Since 2002, the Department has received nearly \$2 million through competitive grants from the U.S. Fish and Wildlife Service to compensate landowners for habitat restoration on private lands. The program, known as the Landowner Incentive Program, is intended to create**

partnerships with private landowners to conserve and restore habitats for endangered and threatened species and other at-risk wildlife.

The majority of the Virginia Landowner Incentive Program supports the restoration of riparian and in-stream habitats in western Virginia, in recognition of the number of rare aquatic fish, mussels and other wildlife that occur on those waters. Many of the projects already under development occur on agricultural lands. The primary criteria for selecting a project are that it benefits at-risk aquatic species in the watershed and that it occurs in one of our target watersheds.

Landowners work with staff biologists to develop restoration plans and must agree to maintain the restored area for at least 10 years. The agency, through this program, reimburses the landowner for 75% of the total project costs. In the Roanoke watershed, we have also secured additional non-federal money that helps offset the landowner's share even further, with reimbursements being as much as 90% of project costs.

We appreciate any assistance from the Board members in promoting this habitat restoration program and in directing interested landowners to our specialists. We will be glad to mail you additional brochures.

Mr. Hazel thanked Mr. Whitehurst for his presentation.

Mr. Duncan called upon Mr. James Adams to give the land acquisition presentation on the Habitat for Virginia Big-Eared and Indiana Bats. Mr. Adams introduced Mr. Rick Reynolds of the Region IV Office who has worked on this project for over 10 years. This is for  $\pm$  4.96 acres located in Tazewell County, Virginia which will allow for land control and perpetual conservation. This property is considered a gift from the Cave Conservancy of the Virginia. The estimated cost to the agency is \$5,000.00 to cover the title search, insurance and settlement fees.

Mr. Adams presented the following information: In 1985, the landowner granted an easement that allowed the Department to erect and maintain fences and gates to protect the caves. However, the easement does not provide proper authority to manage the surrounding property or control entry into the caves, and its limitations extend to access and immediate perimeters of the caves proper. The two caves are the impetus for this project, Higgenbotham #1 and Higgenbotham #2. Both support a significant population of Virginia big-eared bats, *Corynorhinus townsendii virginianus*, a federal endangered species.

Higgenbotham #1 is both a winter hibernacula and summer maternity site and is the number one important cave in Virginia. The winter population has been as high as 2 000 individuals (approximately 11-12% of the total population for this subspecies) and the summer population between 500-600 individuals. In addition, Higgenbotham #1 supports a winter population of approximately 100 Indiana bats, *Myotis sodalis*, a federal endangered species. Higgenbotham #2 is known to be used by Virginia big-eared bats in the summer but has not been fully explored to determine its full use.

The only issue in the receiving of the property is the deeded access from State Route 604.



Additional development of the property is not anticipated and there would be no impact to the historic and cultural features of the property. This project is aimed at recovery and protection of the endangered species already known to the area.

The staff is recommending the acquisition of the Higginbotham Cave property, up to approximately 4.96 acres, based on benefits the ownership control offers in meeting wildlife conservation goals in Virginia and the protection of federally endangered species.

Mr. Hazel thanked Mr. Reynolds for his dedication in seeing this project to completion.

**After a brief discussion, Mr. Hazel called upon Mr. Yates made the following motion: Mr. Chairman, I move that the Board authorize the Director to proceed, to acquire up to approximately 4.96 acres of land in the County of Tazewell to be known as the Higginbotham Caves Conservation Area, by gift from the Cave Conservancy of the Virginias, and such authorization shall be according to applicable state procedures.**

**Motion seconded by: Mr. Hill. Ayes: Pollard, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

Mr. Duncan reminded the Board of the free fishing days June 5, 6 and 7 and the graduation of the current law enforcement academy on June 26, 2008 from 10:00am - 2:00pm.

Mr. Duncan called upon Mr. Lee Walker to present the Apprentice Hunter License Program. Mr. Walker reported the new Apprentice Hunting License would be ready for sale July 1, 2008. He presented the marketing plan and will utilize VDGIF publications, such as Virginia Wildlife magazine, Hunting Regulations, Web site, brochures, fliers and wallet card reminders. Marketing efforts will begin July 1, 2008 and continue through December 2008. They have title the campaign “*Take a Friend, Make a Hunter*”. Ms. Kathy Graham stated the Information and Technology section was ready to begin the electronic license sale on July 1, 2008. A copy of the license has been included in your packages today.

Mr. Duncan stated this report concludes his remarks. Mr. Hazel thanked Mr. Duncan and staff for their continued efforts to move the agency forward.

**Chairman’s Remarks:** Mr. Hazel stated he attended the dedication of Merrimac Farms and the rededication of Powhatan Lakes. Mr. Hazel said that he is up for reappointment and said that it was an honor and privilege to have served on the Board. Mr. Hazel looks forward to his continued association with the Board and Agency.

Mr. Yates is also up for reappointment and echoed Mr. Hazel’s remarks. On behalf of the Board, Mr. Yates thanked Mr. Hazel for his service to the Board and his leadership as Chairman.

Mr. Yates stated he had the privilege of meeting with Governor Kaine, DGIF Staff and Senator Phil Puckett on a recent visit to the Marion Regional Office and Fish Hatchery. The Governor was impressed by the operation and pictures were taken with the Governor holding trout raised in the hatchery. Mr. Hazel and Mr. Duncan thanked everyone for a job well done during the Governor's visit.

Mr. Hazel noted that Mr. Montgomery participated in the morning run with the Governor and the current recruit class and thanked all of the Board for their continuing participation in these types of events.

Mr. Hazel called for additional business of the Board, hearing none, the meeting was adjourned at 2:45 p.m. The next meeting will be held on July 15, 2008.

Respectfully submitted,

Beth B. Drewery  
Board Secretary